
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Willis Broadcasting Corporation)	File No. EB-05-NF-014
Licensee of Radio Station WBTE(AM))	
Facility ID # 172)	NOV No. V20053264004
Windsor, North Carolina)	
)	

NOTICE OF VIOLATION

Released: July 27, 2005

By the Resident Agent, Norfolk Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Willis Broadcasting Corporation, licensee of radio station WBTE(AM).
2. On March 14, 2005, an agent of the Commission's Norfolk Office of the Enforcement Bureau inspected radio station WBTE(AM) located in Windsor, North Carolina and observed the following violations:
 - a. 47 C.F.R. § 73.1350: "(a) Each licensee is responsible for maintaining and operating its broadcast station in a manner which complies with the technical rules set forth elsewhere in this part and in accordance with the terms of the station authorization...(c) [t]he licensee must establish monitoring procedures and schedules for the station..." Although the Commission authorized Station WBTE(AM) to broadcast from latitude 35° 58' 00" North and longitude 076° 56' 54" West (NAD27), the station was actually broadcasting from a location more than 0.5 km from its authorized coordinates. In addition, the station had not established monitoring procedures and schedules to determine compliance with §73.1560 regarding operating power and §73.1570 regarding modulation levels.
 - b. 47 C.F.R. § 73.1560(a)(1): "...[T]he antenna input power of an AM station as determined by the procedures specified in § 73.51 must be maintained as near as is practicable to the authorized antenna input power and may not be less than 90% nor more than 105% of the authorized power." The Commission authorized Station WBTE(AM) to broadcast during daytime only. However, the station broadcast up to 139 watts after sunset on March 9, 13 and 14, 2005. Additionally, during the inspection on March 14, 2005, the station operated at more than 230% of its authorized power.

¹47 C.F.R. § 1.89.

- c. 47 C.F.R. § 73.1590(a): “The licensee of each AM, FM, TV and Class A TV station...must make equipment performance measurements for each main transmitter...” Station staff were not aware of the requirements for equipment performance or spurious and harmonic measurements; nor could they make copies of those measurements available.
 - d. 47 C.F.R. § 73.1870(c)(3): “The chief operator is responsible for “[r]eview of the station records at least once each week to determine if required entries are being made correctly. Additionally, verification must be made that the station has been operated as required by the rules or the station authorization. Upon completion of the review, the chief operator or his designee must date and sign the log, initiate any corrective action which may be necessary, and advise the station licensee of any condition which is repetitive.” At the time of inspection, the chief operator was not signing the station logs to indicate that they had been reviewed.
 - e. 47 C.F.R. § 73.3526(c): Material in the public inspection file “shall be available for public inspection at any time during regular business hours.” At the time of inspection, the following items were missing from the public inspection file of Station WBTE(AM):
 - i. A copy of the current FCC authorization. (§ 73.3526(e)(1))
 - ii. Contour maps. (§ 73.3526(e)(4))
 - iii. Ownership reports and related materials. (§ 73.3526(e)(5))
 - iv. Political file. (§ 73.3526(e)(6))
 - v. Letters and e-mail from the public. (§ 73.3526(e)(9))
 - vi. Radio issues/programs lists. (§ 73.3526(e)(12))
 - vii. Local public notice announcements. (§ 73.3526(e)(13))
3. In addition to the violations noted above, provide a statement describing the status of ownership and control of the Station WBTE(AM) facilities in March 2005. Include an explanation as to what might have caused three different station managers to claim that Willis Broadcasting Corporation sold Station WBTE(AM) in 2002, and why during inspections in 2004 and 2005, all Station WBTE(AM) staff admitted to being volunteers for entities other than Willis Broadcasting Corporation.
4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Willis Broadcasting Corporation, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

²47 U.S.C. § 308(b).

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Federal Communications Commission
Norfolk Office
1457 Mt. Pleasant Rd., Ste. 113
Chesapeake, VA 23322

5. This Notice shall be sent to Willis Broadcasting Corporation at its address of record.
6. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Joseph P. Husnay
Resident Agent
Norfolk District Office
South Central Region
Enforcement Bureau

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*

Willis Broadcasting Corporation
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